

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA

v.

VICTORIA LYNN HOYT,

Defendant.

)
)
) Case No. 2:14CR00001-01
)

) **OPINION**
)

) By: James P. Jones
) United States District Judge
)

Victoria Lynn Hoyt, Pro Se Defendant.

On April 16, 2015, I had sentenced defendant Victoria Lynn Hoyt to 57 months' imprisonment (ECF No. 504), and on July 13, 2016, I dismissed Hoyt's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. *United States v. Hoyt*, No. 2:14CR00001, 2016 WL 3884707, at *1 (W.D. Va. July 13, 2016). Several weeks later, Hoyt has filed a pro se motion captioned, "Motion for Plain-Error Review Pursuant to Supreme Court Case *Molina-Martinez vs. United States*" (ECF No. 683), arguing that I should vacate the sentence.

Because Hoyt presently challenges her sentence, the motion falls squarely within the class of motions that must be construed as a new § 2255 motion. Because Hoyt does not establish that the United States Court of Appeals for the Fourth Circuit has authorized her to file a successive § 2255 motion, the construed

§ 2255 motion must be dismissed without prejudice as successive pursuant to 28 U.S.C. § 2255(h).

DATED: October 31, 2016

/s/ James P. Jones
United States District Judge